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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

MARCUS ANDRADE

Defendant.

NO. CR 20-00249 RS-1

**STIPULATION TO VACATE AND RESET
TRIAL DATE AND TO EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT;
[PROPOSED] ORDER**

Dept.: Courtroom 3 – 17th Floor
Judge: Hon. Richard Seeborg

Hearing Date: January 23, 2024

On November 14, 2023, the parties to the above-captioned matter appeared before the Court for a status hearing. *Dkt. 242*. At that hearing, counsel for defendant Andrade requested that the March 11, 2024 trial date be vacated and reset in order to allow defense counsel adequate time to review voluminous discovery and resolve remaining discovery disputes. Following the hearing, the government and defense counsel met and conferred, and based upon defense counsel's representations, the parties hereby move to vacate the March 11, 2024 trial date, and to set a trial date in this case for August 5,

2024. The parties have consulted with the Court and understand that the Court is available for trial beginning on that date. The parties have discussed a proposed pretrial schedule order but have not reached agreement.

The Court has excluded time through January 23, 2024 under the Speedy Trial Act. *Dkt. 244.* The parties hereby stipulate and ask the Court to exclude time under the Speedy Trial Act from January 23, 2024 to August 5, 2024. This will allow defense counsel to continue to prepare, including by reviewing discovery. For this reason, the parties believes that excluding time until August 5, 2024 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and assert that the ends of justice served by excluding the time from January 23, 2024 through August 5, 2024 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The parties are set to appear before the Court on January 23, 2024 for a status conference. *Dkt. 242.*

DATED: December 29, 2023

Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/ David J. Ward
CHRISTIAAN HIGHSMITH
DAVID WARD
Assistant United States Attorneys

DATED: December 29, 2023

By: /s/ With Permission
MICHAEL J. SHEPARD
KERRIE C. DENT
CINDY A. DIAMOND
Attorneys for Defendant ANDRADE

[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, it is hereby ORDERED that the trial of the above captioned matter be continued from March 11, 2024 to August 5, 2024.

The Court further finds that failing to exclude the time from January 23, 2024 through August 5, 2024 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court finds that the ends of justice served by excluding the time from January 23, 2024 to August 5, 2024 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, and with the consent of the parties, it is hereby ORDERED that the time from January 23, 2024 through August 5, 2024 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

SO ORDERED.

Dated: _____

HONORABLE RICHARD SEEBORG
United States Chief District Judge